

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 08-MD-01916-MARRA

IN RE: CHIQUITA BRANDS INTERNATIONAL, INC.  
ALIEN TORT STATUTE AND SHAREHOLDER  
DERIVATIVE LITIGATION

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**This Document Relates to:**

ATS ACTIONS

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17-80535-CIV-MARRA (*Ohio Montes*)  
18-80800-CIV-MARRA (*remanded/severed Does 1-144*)  
07-60821-CIV-MARRA (*Carrizosa*)  
08-80421-CIV-MARRA (*N. J. Action*) (*Does 1-11*)  
08-80465-CIV-MARRA (*D.C. Action*) (*Does 1-144*)  
08-80508-CIV-MARRA (*Valencia*)  
08-80480-CIV-MARRA (*Manjarres*)  
10-60573-CIV-MARRA (*Montes*)  
17-81285-CIV-MARRA (*D.C. Action*) (*Does v Hills*)  
18-80248-CIV-MARRA (*John Doe 1*)

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**VERDICT**

We, the jury, find as follows:

**1. Did the Plaintiffs prove by a preponderance of the evidence that the AUC in fact killed the persons listed below?**

<u>Carlos Arturo Palencia Sibaja</u>	<u>✓</u> YES	NO
<u>Albeiro Antonio Molina Roman</u>	<u>✓</u> YES	NO
<u>Miguel Angel Cardona Muñoz</u>	<u>✓</u> YES	NO
<u>Waynestey Machado Durango</u>	YES	<u>✓</u> NO
<u>Ceferino Antonio Restrepo Tangarife</u>	<u>✓</u> YES	NO
<u>Libardo de Jesus Villa Mora</u>	<u>✓</u> YES	NO
<u>Francisco de Jesus Jinete Sierra</u>	<u>✓</u> YES	NO
<u>Franklin Fabio Fontalvo Salas</u>	<u>✓</u> YES	NO
<u>Miguel Antonio Rodriguez Duarte</u>	<u>✓</u> YES	NO

If you answered "NO" for all of the foregoing persons, your deliberations are complete and you shall proceed to the signature page at the bottom of this Verdict Form.

If you answered "YES" for any of the foregoing persons, please proceed to Question 2. The remainder of your deliberations will be only for those persons for whom you answered "YES" to Question 1.

**2. Did Plaintiffs prove, by a preponderance of the evidence, that Chiquita failed to act as a reasonable businessperson would have acted under the circumstances of this case?**

                            
YES                      NO

If you answered "NO" to Question 2, your verdict is for Chiquita on the General Tort Liability Claim. Now proceed to Question 5.

If you answered "YES" to Question 2, proceed to Question 3.

**3. Did the Plaintiffs prove by a preponderance of the evidence that Chiquita knowingly provided substantial assistance to the AUC in the form of cash payments or other means of support to a degree sufficient to create a foreseeable risk of harm to others, including that Plaintiff's relative?**

                            
YES                      NO

If you answered "NO" to Question 3, your verdict is for Chiquita on the General Tort Liability claim. Now please proceed to Question 5.

If you answered "YES" to Question 3, please indicate to which decedent(s) this finding applies:

<u>Carlos Arturo Palencia Sibaja</u>	<input checked="" type="checkbox"/> <u>          </u>	<u>          </u>
	YES	NO
<u>Albeiro Antonio Molina Roman</u>	<input checked="" type="checkbox"/> <u>          </u>	<u>          </u>
	YES	NO
<u>Miguel Angel Cardona Muñoz</u>	<input checked="" type="checkbox"/> <u>          </u>	<u>          </u>
	YES	NO
<u>Waynestey Machado Durango</u>	<u>          </u>	<input checked="" type="checkbox"/> <u>          </u>
	YES	NO

Ceferino Antonio Restrepo Tangarife

✓  
YES NO

Libardo de Jesus Villa Mora

✓  
YES NO

Francisco de Jesus Jinete Sierra

✓  
YES NO

Franklin Fabio Fontalvo Salas

✓  
YES NO

Miguel Antonio Rodriguez Duarte

✓  
YES NO

Now please answer Question 4.

**4. Did Chiquita prove by a preponderance of the evidence that the assistance it provided to the AUC was the result of:**

- a. An unlawful, present, immediate, and impending threat from the AUC of death or serious harm to Chiquita, its employees or property; and that
- b. Chiquita’s own negligent or reckless conduct did not create a situation where Chiquita was forced to provide assistance to the AUC; and that
- c. Chiquita had no reasonable alternative to provide assistance the AUC?

            ✓  
YES        NO

If you answered “YES” to Question # 4, your verdict is for Chiquita on the General Tort Liability Claim. Now proceed to Question 5.

If you answered “NO” to Question #4, you have found Chiquita liable to at least one Plaintiff on the General Tort Liability claim, and you will have to assess what damages, if any, to award the Plaintiff or Plaintiffs to whom you have found Chiquita liable.

Before addressing the question of damages for that Plaintiff or Plaintiffs, you must answer the Questions relating to Plaintiffs Hazardous Activity claim. Please proceed to answer Question # 5.

**5. Did Chiquita's assistance to the AUC constitute a hazardous activity which increased risk to members of the community beyond those to which members of the community were normally exposed?**

                            
YES                      NO

If your answer to this Question is No, your verdict on the Hazardous Activity claim is for Chiquita. If your verdict on the General Tort Liability claim was also for Chiquita, your deliberations are complete and you shall proceed to the signature page at the bottom of this Verdict Form.

If you answered YES to Question 5, please proceed to Question 6.

**6. Did the Plaintiffs prove by a preponderance of the evidence that in conducting a hazardous activity, Chiquita knowingly provided substantial assistance to the AUC to a degree sufficient to create a foreseeable risk of harm to others, including that Plaintiff's relative?**

                            
YES                      NO

If your answer to this Question is NO, your verdict is for Chiquita on the Hazardous Activity claim. If your verdict on the General Tort Liability claim was also for Chiquita, your deliberations are complete and you shall proceed to the signature page at the bottom of this Verdict Form.

If you answered YES to Question 6, please indicate to which decedent(s) this finding applies:

Carlos Arturo Palencia Sibaja

                            
YES                      NO

Albeiro Antonio Molina Roman

                            
YES                      NO

Miguel Angel Cardona Muñoz

                            
YES                      NO

Waynestey Machado Durango

YES

NO



Ceferino Antonio Restrepo Tangarife

YES

NO



Libardo de Jesus Villa Mora

YES

NO



Francisco de Jesus Jinete Sierra

YES

NO



Franklin Fabio Fontalvo Salas

YES

NO



Miguel Antonio Rodriguez Duarte

YES

NO



Now please answer Question 7.

**7. Did Chiquita prove by a preponderance of the evidence that the assistance it provided to the AUC was the result of:**

- a. An unlawful, present, immediate, and impending threat from the AUC of death or serious harm to Chiquita, its employees or property; and that
- b. Chiquita's own negligent or reckless conduct did not create a situation where Chiquita was forced to provide assistance to the AUC; and that
- c. Chiquita had no reasonable alternative to provide assistance the AUC?

YES

NO



If your answer to this Question is Yes, your verdict is for Chiquita on the Hazardous Activity claim. If your verdict on the General Tort Liability claim was also for Chiquita, your deliberations are complete and you shall proceed to the signature page at the bottom of this Verdict Form.

If your answer to this question is NO, please proceed to Question 8.

**8. What damages (if any) did Plaintiffs prove by a preponderance of the evidence were suffered as a consequence of the death of the persons to whom you noted "YES" in either Question 3 or 6?**

Note: The plaintiffs are listed below under the names of their relatives/decedents as they are listed in Question 3 and 6.

Carlos Arturo Palencia Sibaja:

Victor Palencia Gomez (Father)	\$ <u>2,400,000</u>
Decedent's Pre-Death Damages	\$ <u>100,000</u>

Albeiro Antonio Molina Roman:

Janeth Rivera Vargas (Wife)	\$ <u>2,100,000</u>
Nini Johana Molina Rivera (daughter)	\$ <u>2,100,000</u>
Decedent's Pre-Death Damages	\$ <u>0</u>

Miguel Angel Cardona Muñoz:

Gloria Eugenia Munoz (Mother)	\$ <u>2,300,000</u>
Decedent's Pre-Death Damages	\$ <u>0</u>

Waynestey Machado Durango:

Pastora Durango (Mother)	\$ <u>0</u>
Decedent's Pre-Death Damages	\$ <u>0</u>

Ceferino Antonio Restrepo Tangarife:

Ana Ofelia Torres Torres (Wife)	\$ <u>2,700,000</u>
Decedent's Pre-Death Damages	\$ <u>0</u>

Libardo de Jesus Villa Mora:

Luz Marina Villa Correa (Daughter)	\$ <u>2,600,000</u>
Luis Anibal Villa Correa (Son)	\$ <u>2,600,000</u>
Leopoldo Villa Maza (Son)	\$ <u>2,600,000</u>

Norela Villa Quintero (Daughter)	\$ <u>2,600,000</u>
Fabio Villa Quintero (Son)	\$ <u>2,600,000</u>
Diana Villa Hoyos (Daughter)	\$ <u>2,600,000</u>
Arelis Villa Hoyos (Daughter)	\$ <u>2,600,000</u>
Decedent's Pre-Death Damages	\$ <del>2,600,000</del> 0.00 <i>long</i>

Francisco de Jesus Jinete Sierra:

Mariela Isabel Sierra Soto (Mother)	\$ <u>2,000,000</u>
Lina Maria Berdugo Lechuga (Wife)	\$ <u>2,000,000</u>
Decedent's Pre-Death Damages	\$ <u>0</u>

Franklin Fabio Fontalvo Salas:

Juvenal Enrique Fontalvo Camargo (Father)	\$ <u>2,100,000</u>
Decedent's Pre-Death Damages	\$ <u>0</u>

Miguel Antonio Rodriguez Duarte:

Nancy Mora Lemus (Wife)	\$ <u>2,100,000</u>
Decedent's Pre-Death Damages	\$ <u>200,000</u>

Your deliberations are complete and you shall proceed to the signature page at the bottom of this Verdict Form.

SO SAY WE ALL this 10<sup>th</sup> day of June 2024.

\_\_\_\_\_  
Foreperson's Signature

\_\_\_\_\_  
Foreperson print name